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District of Nevada

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Attorneys for Defendant

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

JUANITA JOAN GOIN,
Plaintiff,

v.

ANDREW SAUL,
Commissioner of Social Security,¹
Defendant.

Case No. 3:18-cv-00207-HDM-WGC

**ORDER GRANTING STIPULATION
FOR THE AWARD AND PAYMENT OF
ATTORNEY FEES AND EXPENSES
PURSUANT TO THE EQUAL ACCESS
TO JUSTICE ACT, 28 U.S.C. § 2412(d)**

¹ Andrew Saul is now the Commissioner of Social Security and is automatically substituted in this action pursuant to Fed. R. Civ. P. 25(d). *See also* 42 U.S.C. § 405(g) (action survives regardless of any change in the person occupying the office of Commissioner of Social Security).

1 IT IS HEREBY STIPULATED by and between the parties through their undersigned
2 counsel, subject to the approval of the Court, that plaintiff Juanita Joan Goin (Plaintiff) be awarded
3 attorney fees and expenses in the amount of SIX THOUSAND, TWO HUNDRED DOLLARS AND
4 ZERO CENTS (\$6,200.00) under the Equal Access to Justice Act (EAJA), 28 U.S.C. § 2412(d).
5 This amount represents compensation for all legal services rendered on behalf of Plaintiff by counsel
6 in connection with this civil action, in accordance with 28 U.S.C. § 2412(d).
7

8 After the Court issues an order for EAJA fees to Plaintiff, the government will consider the
9 matter of Plaintiff's assignment of EAJA fees to counsel. Pursuant to *Astrue v. Ratliff*, 560 U.S. 586,
10 598, 130 S.Ct. 2521, 177 L.Ed.2d 91 (2010), the ability to honor the assignment will depend on
11 whether the fees are subject to any offset allowed under the United States Department of the
12 Treasury's Offset Program. After the order for EAJA fees is entered, the government will determine
13 whether they are subject to any offset.
14

15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines that
16 Plaintiff does not owe a federal debt, then the government shall cause the payment of fees and
17 expenses to be made directly to Olinsky Law Group, pursuant to the assignment executed by
18 Plaintiff. Any payments made shall be delivered to Plaintiff's counsel.
19

20 This stipulation constitutes a compromise settlement of Plaintiff's request for EAJA attorney
21 fees, and does not constitute an admission of liability on the part of Defendant under the EAJA or
22 otherwise. Payment of the agreed amount shall constitute a complete release from, and bar to, any
23 and all claims that Plaintiff and/or counsel including Olinsky Law Group may have relating to EAJA
24 attorney fees in connection with this action.
25
26

1 This award is without prejudice to the rights of counsel and/or Olinsky Law Group to seek
2 Social Security Act attorney fees under 42 U.S.C. § 406(b), subject to the savings clause provisions
3 of the EAJA.

4 Respectfully submitted,

5 Dated: June 24, 2019

6 OLINSKY LAW GROUP

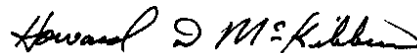
7 By: /s/ Melissa Palmer*
8 Melissa Palmer
9 Attorneys for Plaintiff
10 [*As authorized by email on June 21, 2019]

11 Dated: June 24, 2019

12 NICHOLAS A. TRUTANICH
13 United States Attorney

14 By: /s/ Margaret Branick-Abilla
15 MARGARET BRANICK-ABILLA
16 Special Assistant United States Attorney
17 Attorneys for Defendant

18 **IT IS SO ORDERED*:**

19 

20 HON. HOWARD D. MCKIBBEN
21 UNITED STATES DISTRICT JUDGE

22 DATED: June 24, 2019
23

24
25 * The Court also denies Plaintiff's motion for attorney fees (ECF 19) as moot.
26